

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

JOHN DAVID GUY NISHWITZ,

Plaintiff,

vs.

COUNTY OF YELLOWSTONE,  
SCOTT TWITO, EMILY JO, SARA  
HYDE, PENELOPE STRONG,  
JOSEPH ZAVATSKY, and MANDI  
GOULD,

Defendants.

CV 24-114-BLG-DWM

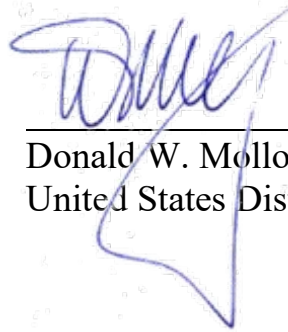
ORDER

Plaintiff John David Guy Nishwitz filed a proposed Complaint. (Doc. 2.) He also filed a motion to proceed in forma pauperis. (Doc. 1.) However, the defendants and allegations in this case are fundamentally the same as those in *Nishwitz v. Yellowstone County, et al.*, CV 24–106–BLG–DWM. That matter has been dismissed for failure to state a claim on prescreening under 28 U.S.C. §§ 1915, 1915A. *See id.* This case being indistinguishable,

IT IS ORDERED that Nishwtiz’s motion to proceed in forma pauperis (Doc. 1) is DENIED. Nishwitz’s Complaint is DISMISSED. The Clerk of Court is directed to enter judgment in this matter according to Fed. R. Civ. P. 58. The Clerk of Court is directed to have the docket reflect that the Court certifies

pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith.

DATED this 18<sup>th</sup> day of September, 2024.

A handwritten signature in blue ink, appearing to read 'DMolloy', is written over a horizontal line. The signature is stylized and cursive.

Donald W. Molloy, District Judge  
United States District Court